



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/829,830

04/10/2001

Michael J. Betz

P00525-US-0
(18217.0001)

1077

7590

05/17/2004

EXAMINER

HARRIS, CHANDA L

Doreen J. Gridley
ICE MILLER
One American Square
Box 82001
Indianapolis, IN 46282-0002

ART UNIT

PAPER NUMBER

3714

13

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,830

Applicant(s)

BETZ ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the amendment filed on 12/15/04, Claims 1-33 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-19, 21-25, 27-29, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton in view of Groff (US 4,586,905) and Corn et al. (US 2001/0053513).

1. [Claims 1-2, 14, 16-18, 22-25, 28, 31-33]: Regarding Claims 1-2, 14, 16-18, 22-25, 28, and 31-33, Linton discloses an educator provider system for transmission of at least one lesson comprising an audio file, wherein the at least one lesson comprises content and wherein the audio file is associated with the content of at least one lesson, such that when the at least one lesson is transmitted over the network means from the educator provider system to the at least one student system, the presentation of the at least one lesson is controlled by an audio controlling means (e.g. RealPlayer™) based on the received audio (via instructional materials); wherein at least one lesson comprises a plurality of presentations, at least one of the plurality of presentations

having at least one audio file associated therewith; and a video controlling means (e.g. RealPlayer™) for controlling presentation of the lesson based on the received at least one video file wherein the at least one lesson comprises content and wherein the at least one video file is associated with the content of at least one lesson. See Col.6: 5-15. Linton discloses at least one student system capable of receiving the at least one lesson and presenting the at least one lesson to at least one student and wherein the educator provider system is capable of generating the at least one lesson. Col.6: 58-66. Linton discloses a network means for connecting the educator provider system with the at least one student system in bi-directional communication. See Col.7: 7-15. Linton discloses controlling the pace of the presentation of the received lesson at the student system and controlling the pace (e.g. cueing) of the presentation of the received lesson with the received audio file. See Col.8: 11-29.

Linton does not disclose expressly so that at least one student cannot advance in the at least one lesson until the audio file or video file has completed playing and such that a test is transmitted to the at least one student system to determine if the at least one student has comprehended the content, and the at least one student is not permitted to advance in the at least one lesson until it is determined by the test that the at least one student has comprehended the content. However, Groff teaches such in Col.6: 40-47. Therefore, at the time of the invention, it would have been obvious to one ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Linton, in light of the teaching of Groff, in order to present questions and

problems in response to an audio and/or video file and determine whether or not remedial action is necessary.

Linton does not disclose expressly an educator provider system for transmission of at least one lesson and for immediate transmission of a lesson completion record (i.e. a message indicating that credit will be granted for the educational unit) that certifies that the required amount of time was spent on a lesson. However, Corn teaches such (i.e. If the elapsed time is greater than the minimum time parameter and less than the maximum time parameter the user is sent a message that credit will be granted for the educational unit). See p.4, [0031]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Linton, in light of the teaching of Corn, in order to verify that users are materially participating in the educational process.

2. [Claims 3-4]: Regarding Claims 3 and 4, Linton discloses an education authority system connected to network means and an education authority system capable of generating the at least one lesson. See Col.5: 35-46.

3. [Claims 7, 21, 27-29]: Regarding Claims 7,21, and 27-29, Linton discloses wherein the educator provider system includes means for generating a course completion record for transmission over the network means to the education authority system. See Col.9: 37-49 and Col.10: 25-34.

4. [Claim 8]: Regarding Claim 8, Linton discloses wherein the network means comprises a global network. See Col.5: 16-20.

5. [Claim 9]: Regarding Claim 9, Linton discloses wherein the global network comprises the Internet. See Col.6: 16-18.
6. [Claim 10]: Regarding Claim 10, Linton discloses wherein the at least one student system comprises an Internet browser. See Col.6: 2-5.
7. [Claim 11]: Regarding Claim 11, Linton discloses wherein the audio controlling means comprises a browser plug-in suitable for use in streaming audio content over the Internet. See Col.6: 8-15.
8. [Claims 12-13]: Regarding Claims 12 and 13, Linton discloses means for interrupting (i.e. pause), means for tracking the point at which the at least one lesson was interrupted, and means for resuming the interrupted lesson at such recorded point. See Col.8: 22-24.
9. [Claim 15]: Regarding Claim 15, Linton discloses wherein the at least one of the plurality of presentations comprises a test for the student. See Col.5: 46-50.
10. [Claim 19]: Regarding Claim 19, wherein the lesson completion record includes a unique course instance identifier is considered to be an inherent feature of Linton's invention. See Col.9: 46-49.

Claims 5-6, 20, 26, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton/Groff/Corn as applied to Claims 1,18,21,29 above, and further in view of McManus et al. (US 2002/0034721).

[Claims 5-6,20,26,30]: Regarding Claims 5-6, 20, 26, and 30, Linton/Groff/Corn does not disclose expressly wherein the educator provider system includes means for generating an electronic certificate for transmission over the network to the at least one student system, wherein the at least one student system includes a printer, means for receiving the electronic certificate, and means for printing the received electronic certificate on the printer. However, McManus teaches such on p.3, [0023] (i.e., If the student successfully passes the exam, the student receives a certificate of completion that may be printed via a printer associated with a client.) Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Linton/Groff/Corn, in light of the teaching of McManus, in order to allow for student management of certain elements of their training.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Cannon et al. (US 6,678,824)
 - monitors time usage of applications
- Spiece (US 4,798,543)

- control program that defines a lesson of a training program
- Ferris (US 5,344,326)
 - use of a computer to run a lesson completely in automatic
- Lotvin et al. (US 5,907,831)
 - rewards for lesson completion
- Remschel (US 6,154,631)
 - teacher control of student computers
- Eisendrath et al. (US 6,347,333)
 - issuance of certificates by registrar program
- Huang (US 2001/0039003)
 - processor provides certificate to network learner

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection, particularly regarding the previously recited limitation rejected by Corn: *so that the at least one student cannot advance in the at least one lesson until the audio file has completed playing*. Therefore, this action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chanda L. Harris
Chanda L. Harris
Examiner
Art Unit 3714

ch.